

**STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR**

**OCTOBER 2020 REPORT**

**Summary.** This report reviews the October 2020 developments relating to human rights in Myanmar. Relatedly, it addresses the interchange between Myanmar’s reform efforts and the responses of the international community.

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## **I. Political Developments**

### **A. Rohingya Refugee Crisis**

As of October, over three hundred Rohingya refugees remained on Bhasan Char, despite their pleas to the Bangladesh government to allow them to leave.<sup>1</sup> The refugees allege that they were beaten by Bangladeshi navy officials with sticks for holding a hunger strike demanding better living conditions and to be reunited with their families in Cox's Bazar.<sup>2</sup> The Rohingya went on the four-day hunger strike beginning on September 21.<sup>3</sup> Rohingya refugees report that refugees are not given enough food or clothing and they do not have phones.<sup>4</sup> Moreover, refugees living in Bhasan Char claim that some of the refugees are sleeping on the concrete floor with no blankets.<sup>5</sup> Additionally, Bhasan Char does not have a school or mosque and non-governmental organization or United Nations refugee agency personnel are prohibited from observation.<sup>6</sup> In a statement, the Asia director of Human Rights Watch stated, "In a darkly ironic attempt to portray Bhasan Char as a safe location, Bangladesh authorities beat Rohingya refugees, including children, who were protesting their detention and begging to return to their families in Cox's Bazar. The real way to show Bhasan Char is secure and habitable would be to allow United Nations experts to conduct an independent assessment of the island and to ensure that any relocation there is voluntary."<sup>7</sup> Inter Services Public Relations, the media agency of the Bangladesh armed forces and the ministry of defense, called the Human Rights Watch report "unrealistic, untrue, confusing and a falsehood."<sup>8</sup>

### **B. Corruption**

A casino development project in Karen State has raised potential corruption concerns.<sup>9</sup> According to *The Irrawaddy*, "The project has sparked criticism due to a lack of transparency, land confiscations, confusion over the scale of construction and the growing influx of Chinese money, as well as suspected illicit activity and local concerns about the social impacts of casino businesses."<sup>10</sup> A tribunal established by the Myanmar government in June to investigate the project has so far been unable to take action, likely due to COVID-19.<sup>11</sup> The Myanmar military has also investigated three senior officers accused of accepting bribes in return for their silence about illegal gambling at the project.<sup>12</sup>

The Ministry of Investment and Foreign Economic Relations announced that it received sixteen expressions of interest from nine countries to compete against the China Communications Construction Company's ("CCCC") bid for the New Yangon City Project.<sup>13</sup> The CCCC's involvement in the project has been a source of controversy, with some pointing to the company's record of corruption and bribery.<sup>14</sup>

### **C. International Community / Sanctions**

During a virtual aid conference co-hosted by the United Nations High Commissioner for Refugees ("UNHCR"), the United Kingdom, the United States and the European Union, the United Kingdom announced \$63 million in new funding to assist Rohingya refugees.<sup>15</sup> The aid will also be used to help Bangladesh respond to the coronavirus pandemic and natural disasters.<sup>16</sup>

The virtual aid conference was held in response to the UNHCR’s appeal for more than \$1 billion to address the humanitarian needs of Rohingya refugees,<sup>17</sup> which the UNHCR said was needed “to meet urgent humanitarian needs of forcibly-displaced Rohingya both inside and outside Myanmar.<sup>18</sup>” The campaign has raised \$636 million in aid thus far.<sup>19</sup>

On October 27, U.S. State Department Under Secretary of State and Political Affairs, David Hale, urged Aung San Suu Kyi to promote a “credible, transparent and inclusive national election” on November 8, 2020.<sup>20</sup> The Under Secretary also renewed the U.S.’s concern over the marginalization of the Rohingya minority. Nearly two million Myanmar people have been disenfranchised in the election, most notably the Rohingya.<sup>21</sup>

Maersk, the world’s largest shipping company, cut ties with military-owned ports in Myanmar over allegations of war crimes committed against the Rohingya in Rakhine State.<sup>22</sup> The director of Burma Campaign UK views Maersk’s decision as a “highly significant move” that will increase pressure on other shipping companies to do the same.<sup>23</sup>

The Bangladeshi government sent additional troops to a Rohingya refugee camp in response to days of fighting between rival drug gangs. The deputy police chief of Cox’s Bazaar told the media that “[t]he situation is now calm” on October 7.<sup>24</sup> Bangladeshi security forces have killed more than one hundred Rohingyas between August 2017 and July 2020.<sup>25</sup> An Amnesty International report accused the Bangladeshi authorities of extrajudicial killings, which the security forces have staunchly denied.<sup>26</sup>

On October 28, one person was killed and two injured in an artillery attack on an International Committee of the Red Cross boat transporting food supplies to internally displaced persons camps in Rathedaung and Buthiduang.<sup>27</sup> The vessel was struck and set ablaze as it travelled on the Mayu River.<sup>28</sup> The attack occurred in an area where the Arakan Army and Myanmar forces have been fighting for nearly two years.<sup>29</sup>

## **II. Civil and Political Rights**

### **A. Freedom of Speech, Assembly and Association**

Myanmar State Counselor Aung San Suu Kyi has instructed officials not to pursue legal action against a number of people who spread misinformation about her on Facebook.<sup>30</sup> The over 20 Facebook accounts and pages posted false claims that the State Counselor had been diagnosed with COVID-19 and that she had been replaced in her position due to her supposed illness.<sup>31</sup> The accounts were reportedly created by a retired army major-cum-former ambassador, as well as nationalists and supporters of the country’s main opposition Union Solidarity and Development Party, among others.<sup>32</sup> In a statement, Facebook said that it removes posts that claim Aung San Suu Kyi has COVID-19 as per its “time-bound, Myanmar-election-specific civic misinformation policy.”<sup>33</sup>

Police have opened a case against four students under the Sedition Law for staging a protest against the Rakhine State government and the Myanmar military in the state capital,

Sittwe, on October 19.<sup>34</sup> The students were charged under Section 505(b) of the Penal Code and are being held without bail.<sup>35</sup> Dozens of students joined the protest, shouting slogans including “Burmese Government Get Out” and “Burmese Army Get Out.”<sup>36</sup>

Seventy-seven non-government organizations sought the release of three student leaders who were arrested in September for organizing a peaceful protest in Sittwe, calling for an end to the conflict in the area.<sup>37</sup> The NGOs said it is unfair for authorities to prosecute the students for violating a ban on mass gathering in response to COVID-19, while not taking similar action against political parties conducting large campaigns.<sup>38</sup>

A Mandalay township court sentenced two students each to one year in jail for sedition by participating in a protest criticizing the military.<sup>39</sup> The students, who are members of the All Burma Federation of Student Unions, were found guilty of affixing posters on lampposts on September 14 calling the Tatmadaw “fascist” and murders.”<sup>40</sup> The students were sued under Section 505(a) and (b) of the Myanmar Penal Code.<sup>41</sup> Eleven other students were charged in the incident.<sup>42</sup>

## **B. Freedom of the Press and Censorship**

U.S. research institute, Freedom House, and local rights group, Free Expression Myanmar, released a report on October 14 on the state of internet freedom in Myanmar.<sup>43</sup> The report scores Myanmar 31 out of 100 points, dropping five points from 36 in the previous two years.<sup>44</sup> The score rates the country in terms of obstacles to access, limits on content and the violation of user rights.<sup>45</sup> “Myanmar is actually getting worse every year, and the decline is accelerating,” said Yin Yadanar Thein of Free Expression Myanmar.<sup>46</sup> “The internet shutdown, slow 2G, website blocking and prosecution of peaceful digital rights protesters together make Myanmar one of the world’s most repressive digital environments.”<sup>47</sup>

## **III. Economic Development**

### **A. Economic Development—Legal Framework, Foreign Investment**

FINCY, a Singapore-based fintech startup, is pulling out of a new Myanmar border city, amid allegations that it is being used to prevent law enforcement from tracking financial transactions in the city.<sup>48</sup> FINCY’s app, which enables users to perform currency exchange and pay merchants in various countries, is said to be the exclusive provider of financial infrastructure to Shwe Kokko’s 40,000 residents, who use the app to make purchases, perform transactions, receive salaries and manage their expenses digitally. Recent reports by the United States Institute of Peace, a U.S. Congress-funded body, have raised concerns that Shwe Kokko is being developed as a front for large-scale gambling activities. The city, located on the border with Thailand, is the site of a US\$15 billion gambling-centered project under construction, and seems primed to operate outside of Myanmar law, according to the report published in July.

The Myanmar government invited additional investors to submit proposals to develop an industrial park and related infrastructure for the New Yangon City project.<sup>49</sup> The government

says it has received 16 proposals from nine countries, including Japan, Singapore, Italy, Spain and France, to compete against a Chinese company's proposal in an open tender process overseen by German consulting firm Roland Berger.<sup>50</sup> The proposed project includes public works and infrastructure construction, such as a Yangon River bridge, roads, resettlement, an industrial park, water treatment, sewerage, a power plant and commercial and residential land.

Myanmar's Ministry of Health and Sports allowed the city's garment factories to reopen amid fears of a loss in foreign investment despite the fact that the spread of COVID-19 in Yangon is not under control.<sup>51</sup> Yangon's clothing factories were initially ordered to cease operations until October 21 to curb the spread of the virus. State Counselor Aung San Suu Kyi said in a televised speech that the authorities are working to allow the resumption of factory operations for the long-term health of the country's economy.

According to the chair of the Union of Myanmar Federation of Chambers of Commerce and Industry, the United States may increase its investment in energy, telecommunications, tourism, and natural gas production sectors following a discussion to cooperate in Myanmar beyond the COVID-19 pandemic.<sup>52</sup> The development comes after the delegation led by Mr. Adam Boehler, CEO of the U.S. International Development Finance Corporation, met with Myanmar's Ministry of Investment and Foreign Economic Relations on October 27. Separately, VMware, a U.S. software company, also announced its 5G Telco Platform in Myanmar earlier this month, which will provide communication service providers in Myanmar with high-performance cloud infrastructure to support 5G technology application across the nation.

## **B. Economic Development—Infrastructure, Major Projects**

India and Myanmar have agreed to work towards launching the Sittwe Port in Rakhine State in the first quarter of 2021, according to announcements by the Myanmar government and the Ministry of External Affairs of India.<sup>53</sup> The Sittwe Port is a major part of the Kaladan Multi-Modal Transit Transport Project funded by India.<sup>54</sup> The port will connect the Seaport of Kolkata in India to Sittwe by sea. It will also link the Sittwe seaport to Paletwa, Chin State by inland waterway and from there connect further to Mizoram in India by road.<sup>55</sup>

The Shan State government plans to cooperate with private investors and farmers to cultivate one million acres of maize under a contract farming arrangement.<sup>56</sup> The farming arrangement would expand the existing maize acreage in Myanmar by around 50%.<sup>57</sup>

The Ministry of Construction announced plans to build 21 bridges in the current fiscal year.<sup>58</sup> The ministry called for local tenders to construct the bridges, which will be located in six regions and states.<sup>59</sup>

During the Singapore International Energy Week 2020 held October 26 to 30, the Minister of Electricity and Energy, Win Khaing, said Myanmar is aiming to generate 14% of the country's electricity needs through renewable energy.<sup>60</sup> Myanmar currently generates most of its electricity through hydropower and natural gas. Meanwhile, with electricity demand rising, the

country aims to generate an additional 3000 MW of electricity from various sources including liquefied natural gas.<sup>61</sup>

KMIC Development Co., Ltd, a joint venture between the Myanmar government and state-owned Korea Land and Housing Corporation, will recommence development of the Korea-Myanmar Industrial Complex (“KMIC”).<sup>62</sup> The KMIC invited tenders for the first phase of construction this month. When complete in 2022, the US\$110 million industrial park is expected to draw more private sector investment and improve the manufacturing capacity of Myanmar.<sup>63</sup> The KMIC is one of two major projects between Myanmar and Korea. The second project is the Dala Bridge, which recently halted construction after several workers tested positive for COVID-19. Construction of the bridge, which will connect Dala Township across the Yangon River with Yangon, began in May 2019 and is expected to be completed in 39 months.<sup>64</sup>

### **C. Land Seizure**

There have been no material updates since the previous report.

## **IV. Peace Talks and Ethnic Violence**

### **A. Ethnic Violence**

According to a spokesperson for the Restoration Council of Shan State (“RCSS”) and the Shan State Army - South (“SSA-S”), the armed organizations clashed with the Tatmadaw over 20 times from October 2 to October 8 in northern Shan State.<sup>65</sup> Clashes intensified on October 8, with fighting breaking out at three locations in Loi Pan Kyan and Pu Hkar village-tracts.<sup>66</sup> The Tatmadaw accused the RCSS/SSA-S of expanding into northern Shan State from its base in the south, while the RCSS/SSA-S spokesperson noted that neither side had made a “concrete agreement” regarding demarcation.<sup>67</sup> RCSS/SSA-S claimed that they are open for discussions under the Nationwide Ceasefire Agreement (“NCA”) if the Tatmadaw is willing to negotiate.<sup>68</sup>

As ongoing fighting between the Tatmadaw and the RCSS occurred in the villages near Kyaukme Township, northern Shan State, over 1,000 villagers nearby fled to village monasteries.<sup>69</sup> Locals report that continuous fighting took place until October 6.<sup>70</sup> They also said villagers are trapped at the nearby corn plantations due to the fighting.<sup>71</sup> By October 8, there have been over 1,000 displaced persons and volunteers claim that there had been a shortage of food.<sup>72</sup>

Langkho District General Administration Department staff came under fire while preparing for voting in Myanmar’s elections in Mongpan Township in southern Shan State in late October.<sup>73</sup> The district administrator and a clerk were injured in the shooting and treated at Sao Sun Tun Hospital in Taunggyi.<sup>74</sup> The administrator reportedly informed the RCSS liaison office two days ahead of the journey.<sup>75</sup> RCSS’s spokesperson said that the incident occurred because the administrators traveled before the liaison office was able to inform the frontline commanders and troops on the road who mistakenly fired as the vehicles arrived unexpectedly.<sup>76</sup> There have been no recent tensions with the Tatmadaw where the shooting took place but the

RCSS has designated it as a frontline and deployed extra troops to the area due to instability.<sup>77</sup> Although the RCSS signed the NCA in 2015, regular clashes still take place with Myanmar's military over territorial disputes with at least 20 clashes reported in Kyaukme Township in October.<sup>78</sup>

## **B. Peace Talks**

The RCSS, a signatory to the NCA, is seeking negotiation with the Tatmadaw to end skirmishes in Kyaukme Township in Shan State.<sup>79</sup> An RCSS spokesperson said the skirmishes have displaced over 3,500 civilians and tensions remain high.<sup>80</sup>

1 BBC, October 31, 2020: .  
2 AlJazeera, October 8, 2020: .  
3 Radio Free Asia, October 1, 2020: .  
4 AlJazeera, October 8, 2020: .  
5 *Id.*  
6 *Id.*  
7 *Id.*  
8 *Id.*  
9 The Irrawaddy, Oct. 6, 2020: ; *see also* The Irrawaddy, Oct. 16, 2020: .  
10 The Irrawaddy, Oct. 6, 2020: .  
11 *Id.*  
12 The Irrawaddy, Oct. 9, 2020: .  
13 The Irrawaddy, Oct. 26, 2020: .  
14 *Id.*  
15 Frontier Myanmar, October 22, 2020: .  
16 *Id.*  
17 *Id.*  
18 Frontier Myanmar, October 21, 2020: .  
19 Mizzima, October 24, 2020: .  
20 Frontier Myanmar, October 28, 2020: .  
21 *Id.*  
22 The Irrawaddy, October 9, 2020: .  
23 *Id.*  
24 Frontier Myanmar, October 7, 2020: .  
25 *Id.*  
26 *Id.*  
27 Mizzima, October 29, 2020: .  
28 *Id.*  
29 *Id.*  
30 The Irrawaddy, October 12, 2020: .  
31 *Id.*  
32 *Id.*  
33 *Id.*  
34 The Irrawaddy, October 21, 2020: .  
35 *Id.*  
36 *Id.*  
37 Myanmar Times, October 7, 2020: .  
38 *Id.*  
39 Mizzima, October 12, 2020: .  
40 *Id.*  
41 *Id.*  
42 *Id.*  
43 Myanmar Times, October 14, 2020: .  
44 *Id.*  
45 *Id.*  
46 *Id.*  
47 *Id.*  
48 Mizzima, October 8, 2020: .  
49 The Irrawaddy, October 16, 2020: .  
50 The Irrawaddy, October 26, 2020: .  
51 The Irrawaddy, October 14, 2020: .  
52 Myanmar Times, October 29, 2020: .  
53 Myanmar Times, October 7, 2020:  
54 *Id.*  
55 *Id.*  
56 Myanmar Times, October 23, 2020:  
57 *Id.*  
58 Myanmar Times, October 23, 2020:  
59 *Id.*  
60 Myanmar Times, October 28, 2020:  
61 *Id.*  
62 Myanmar Times, October 30, 2020:  
63 *Id.*  
64 *Id.*  
65 BNI Online, October 13, 2020: .  
66 *Id.*



67 *Id.*

68 *Id.*

69 Eleven Myanmar, October 8, 2020: .

70 *Id.*

71 *Id.*

72 *Id.*

73 The Irrawaddy, October 28, 2020: .

74 *Id.*

75 *Id.*

76 *Id.*

77 *Id.*

78 *Id.*

79 Myanmar Times, October 15, 2020: .

80 *Id.*